

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

DEWAYNE FAIR,

Defendant.

No. 4:20-CR-00318-SEP-DDN-1

**DEFENDANT’S MOTION FOR ADDITIONAL TIME IN WHICH TO FILE  
PRETRIAL MOTIONS**

NOW COMES Defendant DEWAYNE FAIR, through counsel, Mohammed G. Ahmed, Assistant Federal Public Defender, and pursuant to Federal Rule of Criminal Procedure 12(c)(2) moves this Honorable Court to grant additional time in which to file or waive pretrial motions. In support of this motion, counsel states the following:

1. The date for filing pretrial motions is December 16, 2020.
2. A hearing on pretrial motions is currently set for Wednesday, January 4, 2021 at 9:00 a.m.
3. Defendant was arraigned on July 8, 2020.
4. Counsel for Defendant entered his appearance on July 10, 2020.
5. Counsel needs additional time to further investigate this case; conduct legal research; and discuss this matter with the Defendant who is currently detained in the Ste. Genevieve County Jail, and to engage in

discussions with the Government regarding a potential disposition of this matter.

6. A continuance in this matter is in the interest of justice as it allows reasonable time for counsel to be properly prepared pursuant to 18 U.S.C. §3161.<sup>1</sup> Counsel and defendant believe the ends of justice are served by granting defendant's motion and outweigh the best interests of the public and of the defendant in a speedy trial.
7. Moreover, there is an outstanding motion for new counsel filed *pro se* by Defendant Fair (Doc. 49), as well as an outstanding motion for the reconsideration of bond pending before the Court (J. Mensah) (Doc. 42). Defendant does not wish to waive pretrial motions if new counsel should be appointed to enter into this case.
8. Counsel for Defendant has not discussed this request with counsel for the Government or counsel for co-defendant, Michael Thomas.
9. If the Court grants this request, counsel asks for up to and including January 11, 2021 to file pretrial motions or a memorandum attesting

---

<sup>1</sup> Defendant was arraigned on July 8, 2020, at which time the Court granted Defendant's oral motion for additional time to review discovery and initially set the date for the filing of pretrial motions as on or before September 9, 2020. Thereafter, upon the motion of Defendant, the Court extended the date for the filing of pretrial motions to on or before October 26, 2020. Then, upon the motion of Defendant Michael Thomas, the Court extended the date for the filing of pretrial motions for all Defendants to on or before December 16, 2020. These extensions of time were excluded from the Speedy Trial Act. Therefore, if the presently requested extension and continuance is granted as of December 16, 2020, and the time excluded pursuant to Defendant's request, 70 days will remain under the Speedy Trial Act 18 U.S.C. §3161(h)(7)A) and (B)(iv).

that there are no issues that the Defendant wishes to raise by way of pretrial motion.

WHEREFORE, for the reasons stated above, counsel requests an extension of time, up to and including January 11, 2021, in which to file or waive pretrial motions and requests the motion hearing currently set for January 4, 2021 be continued to a date convenient for the Court.

Dated: December 16, 2020

Respectfully submitted,

/s/Mohammed G. Ahmed  
MOHAMMED G. AHMED  
Assistant Federal Public Defender  
1010 Market Street, Suite 200  
St. Louis, Missouri 63101  
Telephone: (314) 241-1255  
Fax: (314) 421-3177  
E-mail: Mohammed\_Ahmed@fd.org

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on December 16, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Donald Boyce, Assistant United States Attorney, and Counsel for Defendant Michael Thomas, Paul E. Sims.

/s/ Mohammed G. Ahmed  
MOHAMMED G. AHMED  
Assistant Federal Public Defender